

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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	:	
JEFFREY JAKUBIAK,	:	
	:	
Plaintiff,	:	
	:	20 Civ. 10842 (LGS)
-against-	:	
	:	<u>ORDER</u>
QUANTUMSCAPE CORPORATION,	:	
	:	
Defendant.	:	
	:	
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LORNA G. SCHOFIELD, District Judge:

WHEREAS, on December 22, 2020, Defendant removed this putative class action from state court and, on December 28, 2020, filed a pre-motion letter, proposing to file a motion to dismiss (Dkt. No. 7);

WHEREAS, Plaintiff filed a response, indicating that he intends to file a motion to remand by January 21, 2021, which is thirty days after the date of removal (Dkt. No. 18). Per 28 U.S.C. § 1447, a motion to remand based on any defect *other than lack of subject matter jurisdiction* must be made within thirty days after the filing of the removal notice;

WHEREAS, the parties filed a joint status letter and proposed case management plan, indicating that they are amenable to settlement discussions (Dkt. No. 19). The joint materials also provide that Defendant seeks a stay pending resolution of his motion to dismiss, which Plaintiff opposes. It is hereby

ORDERED that the January 14, 2021, conference is **CANCELLED**. The parties shall engage in settlement discussions, and a settlement referral will issue separately. The parties shall file a joint status letter **within two business days** of the completion of settlement conference, apprising the Court of the outcome of settlement discussions. If the case is not resolved, the Court will enter a cross-motion briefing schedule for Plaintiff's anticipated motion to remand and Defendant's proposed motion to dismiss, with the Plaintiff's motion to remand due within **two weeks** of the completion of settlement conference. Discovery is stayed pending settlement discussions and resolution of the parties' motions if filed.

Dated: January 12, 2021
New York, New York


LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE